

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARLOS D. LINDSEY,

Plaintiff,

v.

LIEUTENANT DANE ESSER,
CORRECTIONAL OFFICER RUNICE,
CAPTAIN J. SHARP AND DEPUTY
WARDEN HERMAN,

Defendants.

ORDER

Case No. 14-CV-166-wmc

Plaintiff Carlos D. Lindsey, a prisoner incarcerated at the Wisconsin Secure Program Facility in Boscobel, Wisconsin, has filed a proposed civil complaint. Plaintiff requests leave to proceed without prepayment of the filing fee. Because plaintiff is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed *in forma paupers*, he will have to make an initial partial payment of the filing fee for this case. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a certified copy of his inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

For this case to proceed, plaintiff must submit the certified trust fund account statement no later than March 25, 2014. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff Carlos D. Lindsey may have until March 25, 2014 to submit a trust fund account statement for the period beginning approximately August 23, 2013 and ending approximately February 23, 2014. If, by March 25, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 3rd day of March, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge